

Remarks

Claims 62-65 are pending in the instant application. Claims 62-64 have been rejected, and Claim 65 objected to, by the Examiner.

By the above amendments, Claims 64 and 65 have been canceled without prejudice and Claims 62 and 63 amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, Claims 62 and 63 have been amended to limit the topiramate salt to the topiramate sodium trihydrate. Support for this amendment is found in the specification as filed, for example, in original Claim 65. Applicants submit that the amendments are fully supported by the specification as originally filed and no new matter is being added. After entry of the amendments, Claims 62-63 will remain pending and under consideration. Reconsideration of the captioned application based on the above amendments and following remarks is respectfully requested.

The Examiner has rejected Claims 62-64 under 35 U.S.C. §103(a) as being unpatentable over Bhatt et al. (U.S. 6,368,626) in view of Cutler (US 2003/0072802). The Examiner states:

Bhatt et al. disclose the pharmaceutical dosage form as set forth in the instant claims, with the same wall defining cavities, exit orifices, etc. What is not taught is to include salts of topiramate as the drug to be used for delayed release.

Cutler teaches that topiramate salts are effective in controlled or delayed release formulations (see [0007]. Cutler also teaches the delayed release formulation comprises a salt of topiramate (see claim 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the topiramate salts of Cutler to the delayed release dosage form of Bhatt et al. . . .

Applicants respectfully traverse this rejection.

By the above amendments, Claims 62 and 63 have been amended to limit the topiramate salt to the topiramate sodium trihydrate salt. As the Examiner rightfully points out in his conclusion on page 4, "the prior art is not seen to teach or fairly suggest the use of the specific topiramate sodium trihydrate salt in the dosage form claimed". Since at the time the instant invention was made, the subject matter of the claimed invention as a whole (i.e., the inventions of amended claims 62 and 63) would not have been obvious to one of ordinary skill in the art from the teaching of Bhatt et al. and Cutler, Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness. Applicants therefore respectfully request that the Examiner withdraw the rejection of Claims 62 and 63 under §103(a).

In view of the above amendments and remarks, Applicants maintain that the application is in condition for allowance and passage to issue is earnestly requested.

Respectfully submitted,

/Mary A. Appollina/

Mary A. Appollina
Reg. No. 34,087
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3742
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